



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

June 30, 2023

BY ECF

The Honorable Jennifer H. Rearden
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Martin Handler, et al*, 23 Cr. 004 (JHR)

Dear Judge Rearden:

Pursuant to the Court's March 21, 2023 Opinion and Order (ECF No. 71 (the "Mar. 21, 2023 Op. & Order")), the Government provides below an update regarding the status of its search, pursuant to a search warrant (the "Search Warrant"), of cellphones seized incident to the arrests of defendants Martin Handler, Menachem Lieberman, Isidore Handler, and Ben Werczberger.¹

1. Lieberman Cellphone

As noted previously, the Government has completed its extraction and review of data from the Lieberman Cellphone, produced the full contents of its extraction to Lieberman only on March 2, 2023, and produced data from the Lieberman Cellphone identified as responsive to the Search Warrant to all defendants on March 31, 2023.

Continued retention of the Lieberman Cellphone is necessary at this early stage of the case, when it is unknown how, if at all, the defense will challenge the accuracy, reliability, or authenticity of the Government's data extraction, or how the defense will challenge chain-of-custody evidence concerning the Lieberman Cellphone.

2. I. Handler Cellphone

The Government has extracted data from the I. Handler Cellphone, and the Government produced the full contents of that extraction to Isidore Handler only on March 2, 2023. The volume

¹ Unless otherwise defined, capitalized phrases are assigned the same meaning set forth in the Mar. 21, 2023 Op. & Order.

of data extracted from the I. Handler Cellphone is substantial, comprising approximately 64.2 gigabytes.

On May 11, 2023, a forensic examiner at the FBI provided the prosecution team a set of the data extracted from the I. Handler Cellphone that a filter team reviewed and identified as not potentially privileged. The prosecution team is reviewing the filtered data—which includes, in addition to the typical contents of a cellphone such as text messages and application data, over 54,000 audio files—and does not currently have an estimate for when it will complete that review. The Government expects to begin rolling productions of data identified as responsive to the Search Warrant next week.

Continued retention of the I. Handler Cellphone is necessary at this early stage of the case, when it is unknown how, if at all, the defense will challenge the accuracy, reliability, or authenticity of the Government's data extraction, or how the defense will challenge chain-of-custody evidence concerning the I. Handler Cellphone.

3. Werczberger Cellphone

The status of the Government's review of the Werczberger Cellphone is unchanged. The Government has extracted limited data from the Werczberger Cellphone's SIM card, and the Government produced the full contents of that extraction to Werczberger only on March 2, 2023. That data has not yet been reviewed by a filter team.

The Government has not otherwise been able to decrypt and extract any data from the Werczberger Cellphone, and its efforts to do so remain ongoing.

4. M. Handler Cellphone

The status of the Government's review of the M. Handler Cellphone is unchanged. The Government has not yet been able to decrypt or extract any data from the M. Handler Cellphone, and its efforts to decrypt and extract data from that cellphone remain ongoing.

Respectfully submitted,

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cc: All Counsel of Record